

**CONSERVATION EASEMENT**

**STATE OF FLORIDA:**

**COUNTY OF LEON:**

THIS CONSERVATION EASEMENT is hereby made on this 28th day of August, 2003, by Pennyworth Homes, Inc., whose mailing address is 679 Blackshear Road, Thomasville, GA 31792 hereinafter referred to as the "Grantor," to LEON COUNTY, FLORIDA, a political subdivision of the State of Florida, whose mailing address is Board of County Commissioners, 301 South Monroe Street, Tallahassee, Florida 32301, hereinafter referred to as the "Grantee."

**WITNESSETH:**

For and in consideration of the mutual promises and other good and valuable consideration as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant to the Grantee, its successors and assigns, a perpetual non-exclusive Conservation Easement in accordance with Section 704.06, Florida Statutes, over and across the real property more particularly described on Exhibit "A", which is attached hereto and expressly incorporated herein, for the purpose of retaining the structural integrity and physical appearance of a site of historical, archaeological, or cultural significance, on the terms and conditions hereinafter set forth:

Except as otherwise provided herein, the following activities are prohibited within this easement, pursuant to Section 704.06, Florida Statutes:

1. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures above or on the ground.
2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.
3. Removal or destruction of trees, shrubs, or other vegetation.
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such matter as to affect the surface.
5. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife conservation habitat preservation.
7. Acts or uses detrimental to such retention of land or water areas.
8. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archeological, or cultural significance.

Notwithstanding the foregoing, the Grantor shall be permitted to perform the activities set forth in the Conservation Easement Management Plan attached hereto as Exhibit "B", which addresses additional conditions of this easement.

It is understood that the granting of this easement entitles the Grantee to enter the above described land in a reasonable manner and at reasonable times to assure compliance with the conditions of this easement.

Grantor hereby conveys this easement to Grantee subject to the interests of any and all descendants or other relatives of persons interred within the property described on Exhibit "A," including the lawful claims of those

persons. Where the context of this easement requires, allows or permits, the same shall include the successors or assigns of the parties.

The easement granted hereby shall run with the land and shall enure to the benefit of the Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantor has caused these covenants to be executed and its seal to be affixed hereto on the day and year first above written.

**GRANTOR:**

Pennyworth Homes, Inc.

(Name of Corporation Typewritten)

  
(Signature of Officer or Agent)

Ebe Walter, President  
(Print Name and Title of Officer or Agent)

**WITNESSES:**

  
(Sign)

William F. Ladson, III  
(Print Name)


  
(Sign)

Elaine P. Tomlinson  
(Print Name)

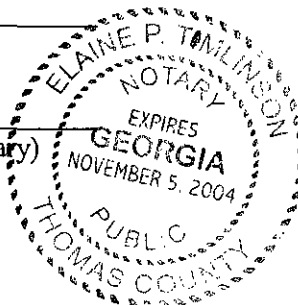
STATE OF Georgia

COUNTY OF Thomas

The foregoing instrument was acknowledged before me this 28th day of August, 2003, by Ebe Walter, President,  
(name of officer or agent, title of officer or agent)  
of Pennyworth Homes, Inc., a Florida corporation,  
(name of corporation acknowledging) (state or place of incorporation)  
on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_  
(type of identification)  
as identification.

  
(Signature of Notary)

Elaine P. Tomlinson  
(Print, Type or Stamp Name of Notary)



\_\_\_\_\_  
(Title or Rank)

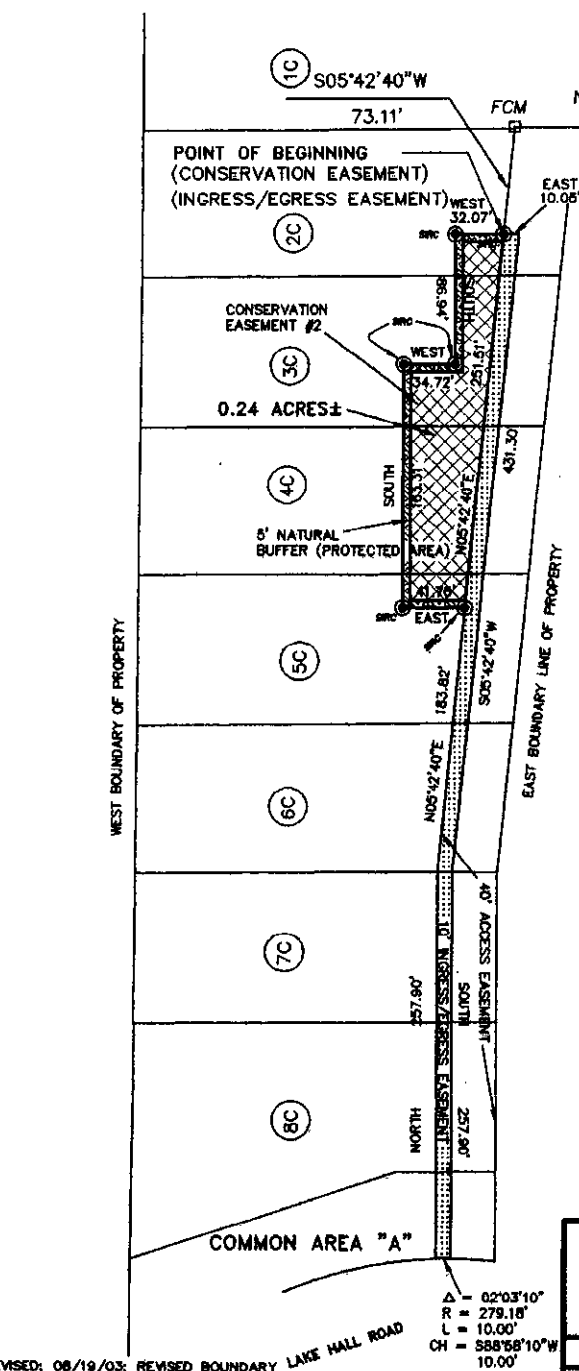
\_\_\_\_\_  
(Serial Number, If Any)

This Document Prepared by: Herbert W.A. Thiele, Esq., County Attorney  
Leon County Attorney's Office  
Suite 202, 301 South Monroe Street  
Tallahassee, Florida 32301

Attachment # 1.  
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MAGNETIC



- NOTES:
1. SURVEY SOURCE: Deeds of record, an unrecorded plat prepared by Roman Dotson & Associates, dated 12/15/01, special instructions by client and a field survey performed by the undersigned surveyor.
  2. BEARING REFERENCE: Easterly boundary of subject parcel being North 05 degrees 42 minutes 40 seconds East as per previous above mentioned survey.
  3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
  4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
  5. This survey is dependent upon EXISTING MONUMENTATION.
  6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
  7. See attached sheets for legal descriptions.

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 81G17-6, Florida Administrative Code).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundary.

*James T. Roddenderry*  
JAMES T. RODDENDERRY  
Surveyor and Mapper  
Florida Certificate No. 4281

**THURMAN RODDENBERRY & ASSOCIATES, INC.**  
*Professional Surveyors & Mappers*

P.O. Box 100 • 125 Sheldon Street • Sopchoppy, FL 32358-0100 • (850) 952-2538

DATE: 06/10/03	DRAWN BY: MD	N.B. XX Pg XX	COUNTY: Leon
FILE: 0028ICE2.DWG	DATE OF LAST FIELD WORK: xxxx	JOB NUMBER: 99-281	

REVISED; 08/19/03; REVISED BOUNDARY  
REVISED; 08/04/03; REVISED CALLS

Exhibit "A"

**Thurman Roddenberry and Associates, Inc.**  
**Professional Surveyors and Mappers**

Attachment # 1  
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PO Box 100  
125 Sheldon Street  
Sopchoppy, Florida 32358  
USA

Phone: 850-962-2538  
Fax: 850-962-1103

EXHIBIT "A", Page 2 of 2


June 24, 2003

**Legal Description of a 0.24 Acre Conservation Easement**  
**Certified To: STONEBRIAR**

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

Commence at the Northwest corner of the East half of the Northwest quarter of Section 33, Township 2 North, Range 1 East, Leon County, Florida as per legal description as recorded in Official Records Book 1032, Page 1342 of the Public Records of Leon County, Florida and run North 89 degrees 57 minutes 20 seconds East 356.31 feet to an iron pipe, thence run South 89 degrees 54 minutes 23 seconds East 172.21 feet to a concrete monument, thence run South 00 degrees 18 minutes 28 seconds East 1385.12 feet to a concrete monument (marked #3328), thence run South 89 degrees 48 minutes 03 seconds East 727.77 feet to a concrete monument, thence run South 02 degrees 51 minutes 09 seconds West 285.61 feet to a concrete monument, thence run North 89 degrees 52 minutes 45 seconds West 618.55 feet to a concrete monument, thence run South 05 seconds 42 minutes 40 seconds West 73.11 feet to a re-rod (marked #7160) marking the POINT OF BEGINNING. From said POINT OF BEGINNING run West 32.07 feet to a re-rod (marked #7160), thence run South 86.94 feet, to a re-rod (marked #7160), thence run West 34.72 feet to a re-rod (marked #7160), thence run South 163.31 feet to a re-rod (marked #7160), thence run East 41.76 feet to a re-rod (marked #7160), thence run North 05 seconds 42 minutes 40 seconds East 251.51 feet to the POINT OF BEGINNING containing 0.24 acres, more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

  
James T. Roddenberry  
Surveyor and Mapper  
Florida Certificate No: 4261

**EXHIBIT "B"**  
**Page 1 of 2**

**CONSERVATION EASEMENT MANAGEMENT PLAN**

Notice: This plan does not necessarily provide exemption from any other applicable local, state, or federal regulations.

**A. The Following Activities Are Allowed Within the Conservation Easement:**

In consideration of the fact that this Conservation Easement has been established to encumber a former human burial area of potential archaeological, cultural, and historic significance, the following activities shall be allowed within the conservation easement area:

1. Eradication of invasive and nuisance plant species through the application of herbicides or by physical removal of such plants. Herbicides must be applied in accordance with the manufacturer's labeling. As used herein, "invasive" species are those plants listed by the Florida Exotic Pest Plant Council's (EPPC) List of Invasive Species. "Nuisance" species are native plants not listed by the EPPC but are considered undesirable due to their competitive effects, such as grapevine, cattail, dog fennel, catbriar, etc. The Leon County Department of Growth & Environmental Management, or its successor, must be contacted prior to the eradication of nuisance plants to ensure the County agrees with designating the particular plant species as being a nuisance species.
2. Planting of native species that are adapted to local site conditions.
3. Removal of dead, diseased, or dying vegetation. Such removal must be conducted in a manner that minimizes disturbance to the soil surface and minimizes impacts to nearby plants other than invasive or nuisance species.
4. Woody vegetation less than 4 inches diameter at breast height (DBH) may be cut at ground level with a saw, axe, or clippers. Cut material must be removed from the conservation easement area by hand.
5. Low hanging tree limbs may be pruned, but such pruning shall not exceed 30% of the tree crown.
6. Vegetation in the groundcover stratum (e.g. all plants which are less than 4.5 feet tall or have a DBH of less than 1 inch) can be trimmed so as to maintain an orderly appearance as long as such maintenance activities do not disturb marked and unmarked graves, do not inhibit re-growth of desirable native plant species, and do not create potential erosion problems. If mechanized equipment is used for maintenance, only small mechanized equipment such as small mowers (excluding self-propelled mowing equipment) and hand-held string trimmers (commonly referred to as "weed-eaters") can be utilized.
7. Any other activities specifically authorized by an Environmental Management Permit issued by Leon County.

**B. The Following Activities Are Prohibited Within the Conservation Easement:**

1. Notwithstanding the preceding Section A of this Exhibit, a natural area buffer shall be preserved along the western boundary of the conservation easement area. This buffer will begin at the western boundary and extend into the conservation easement area for a distance of no less than 5 feet (i.e., buffer width of 5 feet). No clearing of native vegetation is allowed in this natural area buffer. Native plant species can be installed within this natural area buffer.

2. Disturbance of marked and unmarked graves, including marker stones and monuments associated with the gravesites, is strictly prohibited.

**C. Rights of Relatives and Descendents of Persons Interred in the Conservation Easement Area:**

1. Relatives and descendents of any person buried in the conservation easement area shall have the right to visit the conservation easement area at reasonable times and in a reasonable manner.
2. In consideration of the fact that the conservation easement area encompasses a former human burial ground, nothing contained in this Conservation Easement shall act to prohibit any person so entitled from exercising any rights secured by Section 704.08 Florida Statutes.